

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

BASF CORPORATION,

Plaintiff,

v.

JOHN HARRIS BODY SHOPS, LLC a/k/a
and/or d/b/a JOHN HARRIS BODY SHOP,
LLC,

Defendant.

Civil Action No. 3:22-589-JFA

**JOINT MOTION TO EXTEND
DISCOVERY DEADLINE**

Plaintiff BASF Corporation (“BASF”) and Defendant John Harris Body Shops, LLC (“Defendant”), by and through their undersigned counsel, hereby jointly move the Court, pursuant to Rule 6, Fed. R. Civ. P. and Local (Civ.) Rule 6.01 (D.S.C.), for an extension of the discovery deadlines stated in the First Amended Scheduling Order (E.N. 19), filed November 3, 2022, which is currently scheduled to be completed by December 2, 2022. The requested extension will not affect the scheduled trial date in this action.

The grounds for this motion are that Defendant is awaiting responses to a subpoena sent to The Boyd Group (U.S.) Inc. d/b/a Gerber Collision and Glass (“Gerber”) on or about October 1, 2022. Defendant filed an Application for a Rule to Show Cause on or about November 23, 2022 in order to compel Gerber’s response to the subpoena. However, Jesse Schaefer, counsel for Gerber, contacted the undersigned on November 28, 2022 to inform him that Mr. Schaefer’s father had been hospitalized since November 5th and had passed away on November 19, 2022. As a result of Mr. Schaefer’s recent loss, he has been justifiably delayed in providing Gerber’s subpoena response.

In light of the circumstances above, the parties request a forty-five (45) day extension in order to allow Mr. Schaefer additional time to provide Gerber's subpoena response and allow sufficient time for the parties to review Gerber's document production and use the materials in fact witness depositions. If granted, the proposed Second Amended Scheduling Order, which is attached for the Court's consideration as Exhibit A, would extend the current deadline in the Scheduling Order so that Discovery shall be completed by **January 16, 2023**. These deadlines have previously been altered once by the parties. As indicated above, the anticipated trial date for the term of March/April 2023 would not be affected by the requested changes.

For these reasons, the parties respectfully request that the Court grant the relief requested herein.¹

WE SO MOVE

/s/ Kirby D. Shealy III

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Attorneys for Defendant

John Harris Body Shops, LLC

Dated: December 1, 2022

WE SO MOVE/CONSENT

/s/ Caroline C. Marino

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Attorneys for Plaintiff BASF Corporation

Dated: December 1, 2022

¹Signed Client Consent Forms consenting to the extension of the discovery deadlines requested herein are attached as Exhibit B.